

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SUPREME HINES,

Plaintiff,

v.

JEFFREY SMITH,

Defendant.

ORDER and AMENDED
SCHEUDLING ORDER

21-CV-6314CJS

Elliot Dolby Shields, Esq., of Roth & Roth LLP, and Donald M. Thompson, Esq., counsel for plaintiff Supreme Hines, having filed a motion to withdraw as counsel and for an extension of the scheduling order (Docket # 30), and a motion to seal the supplemental submissions in further support of their motion (Docket # 33), defendant having not opposed the motions, and oral argument having been conducted on June 28, 2023, at which plaintiff did not appear, it is hereby

ORDERED, for the reasons stated more fully on the record on June 28, 2023, that counsel's motion to withdraw and for an extension of the scheduling order (**Docket # 30**) is **GRANTED** and Roth & Roth LLP, Shields, and Thompson are hereby relieved as counsel for plaintiff. In granting this relief, the Court makes no finding as to the existence or non-existence of "good cause" for charging lien purposes. Counsel are directed to serve a copy of this order on plaintiff and to file an affidavit of service with the Court. If plaintiff wishes to retain another attorney, a notice of appearance must be filed with the Court within sixty (60) days of the date of this order. If plaintiff does not retain another attorney, she must so advise the Court in writing

within sixty (60) days of the date of this order, and indicate whether she will continue the action *pro se* or dismiss the action. It is further

ORDERED, for good cause shown, that the motion to seal (**Docket # 33**) is **GRANTED**. It is further,

ORDERED, for good cause shown, that the deadlines contained in this Court's April 3, 2023 Amended Scheduling Order (Docket # 29) shall be amended as follows:

1. Fact discovery shall be completed on or before **August 28, 2023**.
2. Plaintiffs shall identify any expert witnesses pursuant to Fed. R. Civ. P. 26(a)(2)(A) and provide reports pursuant to Rule 26(a)(2)(B) and/or disclosures pursuant to Rule 26(a)(2)(C) by **September 25, 2023**. Defendants shall identify any expert witnesses and provide reports pursuant to Fed. R. Civ. P. 26 by **October 23, 2023**. Parties shall complete all discovery relating to experts, including depositions, by **November 20, 2023**.

3. Dispositive motions, if any, shall be filed no later than **December 22, 2023**. Unless a consent to proceed before this Court has been filed, such motions shall be made returnable before Chief Judge Wolford.

4. A trial date status conference pursuant to Fed. R. Civ. P. Rule 16(e) and Local Rule 16 will be held, if necessary, at a date and time to be determined by the trial judge after determination of dispositive motions. If no dispositive motions are filed, counsel shall **immediately** contact the trial judge so that a trial date status conference can be scheduled.

At least seven (7) days prior to the trial date status conference, the parties shall file a joint case status report setting forth the information described below. If the parties disagree as to the information to be provided, the report must set forth their different responses. The joint status report shall contain:

- (1) Nature of the Case: Set forth a brief description of the action, identifying the parties, all counsel of record, the relief requested, any affirmative defenses and any relationship the case may have to other pending actions.
- (2) Motion Practice: Are any motions, dispositive or non-dispositive, pending? If so, briefly describe the motion. Explain if additional motion practice is necessary before the matter is ready to be tried.
- (3) Settlement: Describe the status of settlement negotiations. If the parties believe a court supervised settlement/mediation conference would be of assistance in resolving the case or narrowing disputed issues, please state.
- (4) Trial: State whether the case is ready for trial. If not, explain why. Set forth an estimate of how long the trial will take and whether the case is jury or non-jury.

No extension of the above cutoff dates will be granted except upon written application, made prior to the cutoff date, showing good cause for the extension. Application for extensions should be made to the Magistrate Judge. Joint or unopposed requests to extend the deadlines set forth in this order need not be made by formal motion, but rather may be sought in

a letter to the court. Letter requests must detail good cause for the extension and propose new deadlines.

IT IS SO ORDERED.

s/Marian W. Payson
MARIAN W. PAYSON
United States Magistrate Judge

Dated: Rochester, New York
June 16, 2023